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09/657,250	09/06/2000	Ludovic Pierre	5266-02600	9855
44015	7590	01/06/2010	EXAMINER	
OPTV/MEYERTONS			SHANG, ANNAN Q	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.				
P.O. BOX 398			ART UNIT	PAPER NUMBER
AUSTIN, TX 78767-0398			2424	
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			01/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LUDOVIC PIERRE,
THIERRY GODIN, RAMA KALLURI
and
JINO NGUYEN

Application No. 09/657,250
Technology Center 2400

Mailed: January 5, 2010

PAMELA S. BENNETT, *Paralegal Specialist.*

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 28, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

The Examiner's Answer mailed July 28, 2009 did not include a rejection for claims 16 or 27. It is noted that the Final Rejection mailed February 23, 2007 also did not include a rejection for these claims, even though it stated that claims 1-9, 11-25, and 27-29 were finally rejected. On page 9 of the Appeal Brief filed April 3, 2009, appellants noted that “[n]either claim 27 nor its features are addressed in the Final Office Action dated February 23, 2007.” Clarification and correction of all Grounds of rejection for all claims is required.

CONCLUSION

Accordingly, it is ORDERED that the application be remanded to the Examiner:

- 1) to vacate the Examiner's Answer mailed July 28, 2009;
- 2) to generate a new Examiner's Answer setting forth the correct Grounds of rejection and to correct other sections of the Answer as may be required;
- 3) if appropriate, to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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